felonies, and citing cases holding a man's place of business susceptible of the same defense as his dwelling against burglarious intrusions, decided that the setter of the spring gun was not liable in damages to him who attempted burglary.

Landlord and Tenant—Lease—Beerhouse Covenant by Lessee to Use Premises Only as a Beerhouse—Non-Renewal of License—Impossibility of Performing Covenant.—In Grimisdick *v.* Sweetman (1909), 2 K. B. 740, the action was brought by the plaintiff as landlord to recover rent. The defendant held the premises under lease dated in 1895, and in which the defendant had covenanted to continue to use the premises as a beerhouse only during the lease. The house was then licensed, but in 1905 the renewal of the license was refused, on the ground that it was not necessary for the requirements of the neighbourhood. The action was to recover a half-year's rent due in January, 1908. The defendant contended that the effect of the refusal of license was to put an end to the lease, and the County Court judge who tried the action so held, but the Divisional Court (Darling and Jelf, JJ.,) reversed his decision, holding that the lease could not be held to be at an end unless there had been a total failure of consideration, and here, though the defendant might no longer be able to carry on the business of a beerhouse, the premises were still capable of being used and enjoyed by him.—Canada Law Journal.

Evidence—Dying Declaration.—The King *v.* Perry (1909), 2 K. B. 697. This was a prosecution for murder, and the question was whether a declaration of the deceased was admissible. The prisoner was accused of procuring an abortion. Between 9 and 10 a. m. of the day of her death the deceased made a statement to her sister implicating the prisoner; this she prefaced with the words, "Oh, Gert, I shall go, but keep this a secret." She died on the same day at about 5.30 p. m. Lawrance, Jr., who tried the case, admitted the evidence as a dying declaration, and the Court of Criminal Appeal (Lord Alverstone, C. J., and Darling and Lawrance, JJ.) affirmed his ruling, that court refusing to follow the decision of Lush, J., in Reg. *v.* Osman (1881), 15 Cox C. C. 1, in which that learned judge ruled that to be admissible the declaration must be in prospect of immediate death. The court being of opinion that it is enough that the declarant is under a "settled, hopeless expectation of death." In other words, the true test is whether all hope of life has been abandoned when the declaration is made—Canada Law Journal.